

Recreational Shooting Policies Under Consideration by BLM

1. Laws and Policies Governing Recreational Shooting.

BLM Policy

Recreational shooting (target shooting) is one of many activities that the Bureau of Land Management (BLM) may allow on public lands as part of its discretion to manage for multiple uses. In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM typically manages a wide range of multiple use activities on most public lands provided that they do not impair the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, and archaeological values, and that they do not endanger human health, safety, or property.

Executive Order 13443, “Facilitation of Hunting Heritage and Wildlife Conservation”, issued in 2006, directed the Department of the Interior and its component agencies, bureaus and offices “*to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.*” The Order called for a comprehensive 10-year Recreational Hunting and Wildlife Conservation Plan that would set forth an agenda for implementing the actions called for in the Order. The ten-year action plan was issued in December, 2008. Among its recommendations that address recreational shooting: “... incorporate hunting and recreational shooting into federal agency’s planning processes; Revise BLM/USDA Forest Service management plans to designate shooting areas; Incorporate opportunities for hunting and recreational shooting into public land management, planning, and decision-making. Specifically, consider integrating hunting and recreational shooting opportunities in all federal agency plans for travel management, land management, analyses under the National Environmental Policy Act (NEPA), and related road closures and other access limitations; ensuring that hunting and recreational shooting opportunities are a priority.”

BLM Instruction Memorandum IM 2006-006, details the process of implementing E.O. 13443. and provides a link to the Order. The IM can be accessed on the web at: http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/20080/im_2008-006.html

BLM Regulations

Unless there is a relevant Federal law or regulation governing the use of firearms in effect, state and local laws and ordinances regulating the use and possession of firearms apply on BLM managed public lands and are typically enforced by local law enforcement officials (43 C.F.R. § 8365.1-7). With the exception that the “[d]ischarge or use [of] firearms, other weapons, or fireworks,” is prohibited on developed recreation sites and areas, unless otherwise authorized, 43 C.F.R. § 8365.2-5(a), shooting and possession and use of firearms are allowed on public lands managed by the BLM. However, the specific shooting activity must not:

- Cause a public disturbance or create risk to other persons on public lands. 43 C.F.R. § 8365.1-4(a) (Public health, safety and comfort);
- Deface, remove or destroy natural features, native plants, cultural resources, historic structures or government and/or private property. 43 C.F.R. § 8365.1-5(a)(1);

- Facilitate and create a condition of littering, refuse accumulation and abandoned personal property. 43 C.F.R. Sec. 8365.1-1;
- Violate existing use restriction, a closure and restriction order, or supplementary rules notice. 43 C.F.R. §§ 8365.2-5(a), 8364.1, 8365.1-6.

Shooting Ranges

The BLM's policy prohibits the agency from directly operating shooting ranges, or from issuing new leases of public lands for shooting ranges, principally because of the agency's potential liability related to lead contamination of the environment. New shooting ranges cannot be authorized by any type of lease or other land use authorization that does not transfer fee title to the applicant. (See IM-2008-074 : <http://web.blm.gov/internal/wo-500/directives/dir-08/im2008-074.html> and IM-2008-074, Change 1 : <http://web.blm.gov/internal/wo-500/directives/dir-08/im2008-074ch1.html>)

In the expanding urban interface, community-operated shooting ranges are important shooting management tools, providing additional shooting options for the public, reducing social conflicts and safety concerns on adjacent public lands, and ensuring that expended lead ammunition will be periodically removed and recycled in a safe, legal manner. Managed shooting ranges can also provide urban youth with an attractive pathway into lifelong outdoor recreation activities, offering instruction in shooting skills, firearm safety and ethical land use practices and potentially creating a new generation of responsible public land advocates.

When identifying lands suitable for disposal in Land Use Plans, field offices are strongly encouraged to consider the use of some of these lands for community-operated shooting ranges and should facilitate the transfer of fee title ownership of suitable lands to interested local governments or organizations through direct sale when appropriate. Field offices can employ the patent provisions of the Recreation and Public Purposes (R&PP) Act, 43 U.S.C. § 1721, to convey ownership of lands for shooting ranges to non-profit organizations or local governments at less than fair market value (in some cases). Currently about 40 shooting ranges operate on BLM-administered public lands under the discontinued lease provisions of the R&PP Act. Field offices are encouraged to convert previously leased shooting ranges to patent utilizing the provisions of H-2740-1 (Recreation and Public Purposes Handbook).

2. Addressing Shooting Sports in Land Use Plans.

Land use plans or plan amendments should directly address recreational shooting when recreational shooting is raised as an issue in external or internal scoping. Plans should consider areas that may remain open to dispersed shooting, as well as considering areas that may be more appropriately closed to shooting or areas where shooting may be restricted. Addressing shooting issues specifically in land use plans will allow for the consideration of a range of alternatives and will provide opportunities for public involvement. This only applies to new Resource Management Plans and amendments, not to plans or amendments already issued. Recreational shooting may also be addressed in activity-level planning, where appropriate.

Special consideration should be given to the applicable state and local laws and ordinances to identify or support closures or restrictions when addressing recreational shooting in land use

plans. Consideration should also be given to adopting state and local laws/ordinances as BLM supplementary rules to allow for better enforcement by BLM officers.

The criteria for closing areas to shooting in Land Use Plans should refer to BLM's Rules of Conduct regulations (43 CFR 8365). The following statement, at a minimum, should be included in all LUPs addressing recreational shooting:

When the authorized officer determines that a site or area on BLM-managed lands used on a regular basis for recreational shooting is creating public disturbance, or is creating risk to other persons on public lands; is contributing to the defacement, removal or destruction of natural features, native plants, cultural resources, historic structures or government and/or private property; is facilitating or creating a condition of littering, refuse accumulation and abandoned personal property is violating existing use restrictions, closure and restriction orders, or supplementary rules notices, and reasonable attempts to reduce or eliminate the violations by the BLM have been unsuccessful, the authorized officer will close the affected area to recreational shooting:

The above statement should be included in Land Use Plans, and should describe as specifically as possible the resources, uses, situations, and locations likely to be adversely affected by recreational shooting. The statement should be included in the section that sets forth the decisions common to all alternatives. If analyzed appropriately, temporary closures and restrictions considered under this process will not require further National Environmental Policy Act (NEPA) analysis and can be processed with a Determination of NEPA Adequacy when implementation of temporary shooting closures or restrictions are required.

3. Management of Recreational Shooting, Identification of Shooting Areas, and Closures

Active management of recreational shooting by identifying areas of low risk or resource conflict that remain open for dispersed shooting activities, and closing areas that are identified as having high risks or conflicts through a temporary or permanent closure are effective ways to reduce risks while preserving recreational opportunities for the public. Decisions regarding recreational shooting require the BLM to balance safety and resource protection issues with its multiple-use mandate. Identification of areas that remain open to dispersed recreational shooting should be limited to identifying broad areas or polygons where shooting may continue as long as shooters adhere to standard firearm safety procedures and comply with applicable BLM policies and regulations, as well as with local or state laws and ordinances. BLM offices must avoid designating specific sites or ranges as suitable for recreational shooting, and should not develop facilities specifically designed for shooting activities such as benches, rests, target posts, hay bale target backstops, etc.

State or field offices must exercise due care in making the discretionary decision to allow or disallow recreational shooting in identified areas. Due care can be properly exercised by carefully evaluating risk factors and identifying shooting areas in places where risks and conflicts are low and shooting can be effectively and safely managed.

Factors for evaluating, identifying, and managing areas of low risk or resource conflict for dispersed shooting activities, as well as closing areas with high risks or conflicts for dispersed shooting are outlined in Attachment 1.

Closures and Restrictions

Safety or resource damage issues may require temporary or permanent closure or restriction of areas to recreational shooting. If a permanent closure or restriction is required, it must be addressed in a land use plan or plan amendment and requires compliance with the National Environmental Policy Act (NEPA) in advance of such action. For temporary closures or restrictions, field offices must follow the procedures detailed in WO IM-2010-028, "Requirements for Processing and Approving Temporary Public Lands Closure and Restriction Orders," including compliance with NEPA prior to the closure or restriction. Temporary closures or restrictions for shooting activities are permitted when the authorized officer finds such action is necessary to protect persons, property, and public lands and resources (43 CFR § 8364.1). In general, temporary closures cannot exceed 24 months in duration.

The agency's NEPA analysis should identify alternative recreational shooting opportunities that are still available on public lands in the vicinity of the closed or restricted area.

Closure or restriction orders that may affect hunting access, shooting sport activities, or the discharge of firearms must be in compliance with the Federal Land Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU). This MOU requires that the BLM notify shooting organizations of such closures or restrictions and alert them to public comment opportunities.

http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2007/im_2007-041_.html

Lands closed or restricted to recreational shooting by the BLM typically remain open to hunting, subject to the state and local laws in effect.

4. Information, Education, and Outreach

- Each BLM state, field office, and special management area recreation website should contain a shooting sports section, which includes maps showing areas open to shooting, and areas that have been closed to shooting, and should provide general directions on how to access identified dispersed shooting areas. Websites should also promote general safe shooting and environmentally sound practices, and describe situations on public lands where it may not be safe to shoot and situations where it is generally safer to shoot.
- Attachment 2, *The Four Principles of Responsible Shooting on Public Lands* provides basic rules for safe shooting. BLM's webpage, "*Hunting and Shooting Sports*" provides a variety of additional useful information for the public, including information on minimizing potential risks from physical contact with expended lead ammunition in dispersed shooting areas. and can be accessed at:

http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/Shooting_Sports_Hunting.html.

- Shooting ethics and safety materials are also available free for your use on the Tread Lightly! website at: http://www.treadlightly.org/files/page_text/shooting_tips_sm.pdf.
- Shooters remain legally responsible for knowing the rules, and should check with the local BLM office before venturing onto public lands to shoot. Where possible, major access entry points to areas open to shooting should display current information on billboards or kiosks, including maps of the area with shooting regulations and safe shooting practices.
- Where possible, state, field offices, and special management areas should establish partnerships with shooting sports advocacy organizations and state fish and wildlife agencies to help manage or maintain shooting areas and develop public presentations and materials on shooting ethics and appropriate shooting areas on public lands for use in meetings, hunter education classes, school groups, etc. In keeping with the vision of the President's America's Great Outdoors (AGO) initiative, recognize that hunting and shooting sports can provide an excellent pathway for building stewardship values and engaging youth in conservation and the outdoors.
- Use the "Respected Access is Open Access" materials developed for the BLM and others by Tread Lightly! to broadcast the message of safe and responsible shooting in appropriate places on public lands. Place signs, kiosks and billboards in well-traveled locations to push the responsible shooting message and raise general awareness of the issues surrounding shooting on public lands. (www.respectedaccess.org)

Background: Recreational shooting is a permissible use of public lands. As the West has become more populated, recreational shooters now often find themselves in conflict with other public lands users, and the BLM is frequently called on to mediate these conflicts.

In the past, BLM managers have avoided identifying areas available for recreational shooting, and instead have managed this use by closing areas to shooting in order to address public safety and resource concerns. This past management practice has created some confusion about where public land remains open to recreational shooting. Typically, little useful, specific information about where the public can shoot is available on maps, websites, or signs. Despite rising conflicts, recreational shooting continues to be popular on public lands, and public demand for safe, legal places to shoot remains high.

This guidance is based on the understanding that identifying areas where recreational shooting presents lower risks and conflicts while closing areas where risks are high may reduce shooting related conflicts, and may also reduce legal claims against the BLM for shooting-related injuries or damages.

2 Attachments:

- 1 – Factors for Evaluating Risk, Identifying, and Actively Managing Areas of Low Risk or Resource Conflict for Dispersed Shooting Activities, or for Closing Areas with High Risks or Conflicts for Dispersed Shooting (2 pp)
- 2 – Principles of Responsible Shooting on Public Lands (1 p)

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